

110TH CONGRESS
1ST SESSION

S. 2304

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2007

Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. SPECTER, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Mentally Ill Offender Treatment and Crime Reduction
6 Reauthorization and Improvement Act of 2007”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
- Sec. 4. Law enforcement response to mentally ill offenders improvement grants.
- Sec. 5. Improving the mental health courts grant program.
- Sec. 6. Study and report on prevalence of mentally ill offenders.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) Communities nationwide are struggling to
 6 respond to the high numbers of people with mental
 7 illnesses involved at all points in the criminal justice
 8 system.

9 (2) A 1999 study by the Department of Justice
 10 estimated that 16 percent of people incarcerated in
 11 prisons and jails in the United States, which is more
 12 than 300,000 people, suffer from mental illnesses.

13 (3) Los Angeles County Jail and New York's
 14 Rikers Island jail complex hold more people with
 15 mental illnesses than the largest psychiatric inpa-
 16 tient facilities in the United States.

17 (4) State prisoners with a mental health prob-
 18 lem are twice as likely as those without a mental
 19 health problem to have been homeless in the year be-
 20 fore their arrest.

1 **SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE**
2 **COLLABORATION PROGRAM GRANTS.**

3 (a) AUTHORIZATION OF APPROPRIATIONS THROUGH
4 2013.—Section 2991(h) of title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 is amended—

6 (1) in paragraph (1), by striking at the end
7 “and”;

8 (2) in paragraph (2), by striking “for fiscal
9 years 2006 through 2009.” and inserting “for each
10 of the fiscal years 2006 and 2007; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(3) \$75,000,000 for each of the fiscal years
14 2008 through 2013.”.

15 (b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE
16 PURPOSES.—Section 2991(h) of such title is further
17 amended—

18 (1) by redesignating paragraphs (1), (2), and
19 (3) (as added by subsection (a)(3)) as subpara-
20 graphs (A), (B), and (C), respectively;

21 (2) by striking “There are authorized” and in-
22 serting “(1) IN GENERAL.—There are authorized”;
23 and

24 (3) by adding at the end the following new
25 paragraph:

1 “(2) ALLOCATION OF FUNDING FOR ADMINISTRA-
 2 TIVE PURPOSES.—For fiscal year 2008 and each subse-
 3 quent fiscal year, of the amounts authorized under para-
 4 graph (1) for such fiscal year, the Attorney General may
 5 obligate not more than 3 percent for the administrative
 6 expenses of the Attorney General in carrying out this sec-
 7 tion for such fiscal year.”.

8 (c) ADDITIONAL APPLICATIONS RECEIVING PRI-
 9 ORITY.—Subsection (c) of such section is amended to read
 10 as follows:

11 “(c) PRIORITY.—The Attorney General, in awarding
 12 funds under this section, shall give priority to applications
 13 that—

14 “(1) promote effective strategies by law enforce-
 15 ment to identify and to reduce risk of harm to men-
 16 tally ill offenders and public safety;

17 “(2) promote effective strategies for identifica-
 18 tion and treatment of female mentally ill offenders;
 19 or

20 “(3)(A) demonstrate the strongest commitment
 21 to ensuring that such funds are used to promote
 22 both public health and public safety;

23 “(B) demonstrate the active participation of
 24 each co-applicant in the administration of the col-
 25 laboration program;

1 “(C) document, in the case of an application for
 2 a grant to be used in whole or in part to fund treat-
 3 ment services for adults or juveniles during periods
 4 of incarceration or detention, that treatment pro-
 5 grams will be available to provide transition and re-
 6 entry services for such individuals; and

7 “(D) have the support of both the Attorney
 8 General and the Secretary.”.

9 **SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL**
 10 **OFFENDERS IMPROVEMENT GRANTS.**

11 (a) IN GENERAL.—Part HH of title I of the Omnibus
 12 Crime Control and Safe Streets Act of 1968 is amended
 13 by adding at the end the following new section:

14 **“SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY**
 15 **ILL OFFENDERS IMPROVEMENT GRANTS.**

16 “(a) AUTHORIZATION.—The Attorney General is au-
 17 thorized to make grants to States, units of local govern-
 18 ment, Indian tribes, and tribal organizations for the fol-
 19 lowing purposes:

20 “(1) TRAINING PROGRAMS.—To provide for
 21 programs that offer law enforcement personnel spe-
 22 cialized and comprehensive training in procedures to
 23 identify and respond appropriately to incidents in
 24 which the unique needs of individuals with mental
 25 illnesses are involved.

1 “(2) RECEIVING CENTERS.—To provide for the
2 development of specialized receiving centers to assess
3 individuals in the custody of law enforcement per-
4 sonnel for mental health and substance abuse treat-
5 ment needs.

6 “(3) IMPROVED TECHNOLOGY.—To provide for
7 computerized information systems (or to improve ex-
8 isting systems) to provide timely information to law
9 enforcement personnel and criminal justice system
10 personnel to improve the response of such respective
11 personnel to mentally ill offenders.

12 “(4) COOPERATIVE PROGRAMS.—To provide for
13 the establishment and expansion of cooperative ef-
14 forts by criminal and juvenile justice agencies and
15 mental health agencies to promote public safety
16 through the use of effective intervention with respect
17 to mentally ill offenders.

18 “(5) CAMPUS SECURITY PERSONNEL TRAIN-
19 ING.—To provide for programs that offer campus se-
20 curity personnel training in procedures to identify
21 and respond appropriately to incidents in which the
22 unique needs of individuals with mental illnesses are
23 involved.

24 “(b) BJA TRAINING MODELS.—For purposes of sub-
25 section (a)(1), the Director of the Bureau of Justice As-

1 sistance shall develop training models for training law en-
 2 forcement personnel in procedures to identify and respond
 3 appropriately to incidents in which the unique needs of
 4 individuals with mental illnesses are involved.

5 “(c) MATCHING FUNDS.—The Federal share of funds
 6 for a program funded by a grant received under this sec-
 7 tion may not exceed 75 percent of the costs of the program
 8 unless the Attorney General waives, wholly or in part, such
 9 funding limitation. The non-Federal share of payments
 10 made for such a program may be made in cash or in-kind
 11 fairly evaluated, including planned equipment or services.

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to the Department of
 14 Justice to carry out this section \$10,000,000 for each of
 15 the fiscal years 2008 through 2013.”.

16 (b) CONFORMING AMENDMENT.—Such part is fur-
 17 ther amended by amending the part heading to read as
 18 follows: “**GRANTS TO IMPROVE TREATMENT OF OF-**
 19 **FENDERS WITH MENTAL ILLNESSES**”.

20 **SEC. 5. IMPROVING THE MENTAL HEALTH COURTS GRANT**
 21 **PROGRAM.**

22 (a) REAUTHORIZATION OF THE MENTAL HEALTH
 23 COURTS GRANT PROGRAM.—Section 1001(a)(20) of title
 24 I of the Omnibus Crime Control and Safe Streets Act of
 25 1968 (42 U.S.C. 3793(a)(20)) is amended by striking

1 “fiscal years 2001 through 2004” and inserting “fiscal
2 years 2008 through 2013”.

3 (b) ADDITIONAL GRANT USES AUTHORIZED.—Sec-
4 tion 2201 of such title (42 U.S.C. 3796ii) is amended—

5 (1) in paragraph (1) at the end, by striking
6 “and”;

7 (2) in paragraph (2) at the end, by striking the
8 period and adding “; and”; and

9 (3) by adding at the end the following new
10 paragraphs:

11 “(3) pretrial services and related treatment pro-
12 grams for offenders with mental illnesses; and

13 “(4) developing, implementing, or expanding
14 programs that are alternatives to incarceration for
15 offenders with mental illnesses.”.

16 **SEC. 6. STUDY AND REPORT ON PREVALENCE OF MEN-**
17 **TALLY ILL OFFENDERS.**

18 (a) STUDY.—The Attorney General shall provide for
19 a study of the following:

20 (1) The rate of occurrence of serious mental ill-
21 nesses in each of the following populations:

22 (A) Individuals, including juveniles, on
23 probation.

24 (B) Individuals, including juveniles, incar-
25 cerated in a jail.

1 (C) Individuals, including juveniles, incar-
2 cerated in a prison.

3 (D) Individuals, including juveniles, on pa-
4 role.

5 (2) For each population described in paragraph
6 (1), the percentage of individuals with serious men-
7 tal illnesses who, at the time of the arrest, are eligi-
8 ble to receive Supplemental Security Income bene-
9 fits, Social Security Disability Insurance benefits, or
10 medical assistance under a State plan for medical
11 assistance under title XIX of the Social Security
12 Act.

13 (3) For each such population, with respect to a
14 year, the percentage of individuals with serious men-
15 tal illnesses who—

16 (A) were homeless (as defined in section
17 103 of the McKinney-Vento Homeless Assist-
18 ance Act (42 U.S.C. 11302)) at the time of ar-
19 rest; and

20 (B) were homeless (as so defined) during
21 any period in the previous year.

22 (b) REPORT.—Not later than 18 months after the
23 date of the enactment of this Act, the Attorney General
24 shall submit to Congress a report on the results of the
25 study under subsection (a).

1 (c) DEFINITION OF SERIOUS MENTAL ILLNESS.—

2 For purposes of this section, the term “serious mental ill-
3 ness” has the meaning given such term for purposes of
4 title V of the Public Health Service Act.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$2,000,000 for 2008.

○